

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Martin Sarmiento Adrian,

Petitioner,

v.

Charles L. Ryan,

Respondent.

No. CV-13-01920-PHX-PGR

ORDER

The Court having reviewed de novo the Report and Recommendation (Doc. 25) of Magistrate Judge James F. Metcalf, filed on March 17, 2015, notwithstanding that no party has filed an objection to the Report and Recommendation,

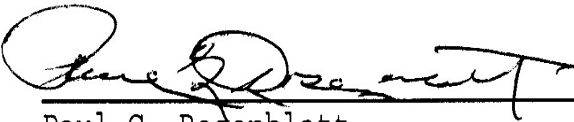
IT IS ORDERED that the Magistrate Judge's Report and Recommendation (Doc. 25) is accepted and adopted by the Court.

IT IS FURTHER ORDERED that the petitioner's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody is Denied and that this action is dismissed. The Clerk of the Court shall enter judgment accordingly.

IT IS FURTHER ORDERED that no certificate of appealability shall be issued and that the petitioner is not entitled to appeal in forma pauperis because dismissal of the Petition is justified by a plain procedural bar and reasonable jurists would not find the

1 ruling debatable, and, further, to the extent petitioner's claims also are rejected on the
2 merits, reasonable jurists would not find the Court's assessment of the constitutional
3 claims to be debatable or wrong.
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5 Dated this 11th day of May, 2015.
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10 Paul G. Rosenblatt
11 United States District Judge
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